

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Initially, it is noted that ownership of the above-identified application has been transferred recently, and revocation and power of attorney papers will soon be made of record. In the meantime, the undersigned counsel confirms that authority to act on behalf of the new owner has been provided to the undersigned.

The specification has been amended to recite section headings. Although no objection to the specification was made in the outstanding office action, it appears that such an objection was intended because the lengthy recommended section descriptions appear on pages 9-11 of the office action.

By the above amendments to the claims, claims 1, 3, 4, 8, and 11-18 have been amended and claim 19 has been canceled without prejudice. In addition to amendments to remove means-plus-function language and reference numerals, claims 1 and 18 have been amended to reflect that “the recommendation is generated for a user by the same apparatus into which the newly created preference category is entered by said user.” In addition, claim 11 has been amended to recite “a preference category entry system that allows *a user to enter* a newly created preference category as feedback for generating a recommendation *for said user*” (emphasis introduced). Descriptive support for these limitations is provided at page 2, lines 1-9. Therefore, no new matter has been introduced by these amendments. Claims 1-18 remain pending. No excess claim fees are due with this submission.

The rejection of claims 1-19 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent Publication No. 2005/0172318 A1 to Dudkiewicz et al. (“Dudkiewicz”) in view of U.S. Patent Publication No. 2006/0212900 A1 to Ismail et al. (“Ismail”) is rendered moot with respect to claim 19 and is otherwise respectfully traversed.

Dudkiewicz teaches that the producer of a program may define categories which can be included in the metadata of a broadcast program (*see* paragraph 84 of Dudkiewicz, cited in office action). Ismail is cited for teaching the making of recommendations based on user preferences as determined by the user’s viewing habits (*see* paragraph 126 of Ismail, cited in office action). However, the combination of Dudkiewicz and Ismail fails to teach or suggest the invention as presently claimed.

In particular, the combination of references fails to teach or suggest the steps of entering, generating preference information, and generating the recommendation as recited

in claim 1 and claim 18, where “the recommendation is generated for a user *by the same apparatus into which the newly created preference category is entered by said user*” (emphasis introduced). Likewise, with respect to claim 11, the combination of references fails to teach or suggest an apparatus that includes “a preference category entry system that *allows a user to enter a newly created preference category as feedback for generating a recommendation for said user*” where the recommender of the recited apparatus “generates the recommendation *for said user* based at least in part on the generated preference information.”

As described in the present application, the apparatus and methods of the present invention solve the problem of how to recommend a particular type of program to a user if the desired category is not available in the broadcast. In particular, the present invention allows the user to define new preference categories according to suit their requirements. That way, if similar programs are broadcast, the user’s apparatus will recognize the same as belonging to the new, user-defined category. For example, if the user creates a category of “grass sports” for relatively slow action games such as cricket, according to the invention the user generates preference information corresponding to cricket and will therefore largely receive recommendations only relating to cricket. In contrast, if the user relies on recommendations based on the producer’s or broadcaster’s definitions, which may include “grass sports,” they will also undesirably receive recommendations for soccer, tennis, bowls, and a myriad of other sports that may fall within the broadcaster’s broad definition of “grass sports.” Thus, the invention allows the recommendations to be tailored to suit the user’s requirements, by allowing the user to create new preference categories on the same apparatus which generates the recommendation. By defining his or her own categories, the user is assured that the recommendations received will be more accurate and in line with his or her preferences.

Both of Dudkiewicz and Ismail, and therefore the combination thereof, rely on producer or broadcaster defined categories within an electronic program guide, and Ismail only recommends program events based on past viewing of other programs within these broadcaster- or producer-defined categories. Therefore, the method of claim 1 (and all claims dependent thereon), the apparatus of claim 11 (and all claims dependent thereon), and the computer readable medium of claim 18 are neither taught nor suggested by the combination of Dudkiewicz and Ismail.

For these reasons, the rejection of claims 1-19 for obviousness over the combination of Dudkiewicz and Ismail is improper and should be withdrawn.

The rejection of claims 18 and 19 under 35 U.S.C. § 101 is rendered moot with respect to claim 19 and is respectfully traversed in view of the amendments to claim 18. Claim 18 properly recites a computer readable medium, which is patentable subject matter. This rejection should therefore be withdrawn.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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